



Paper 39

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**JUL 1 6 2004**

**OFFICE OF PETITIONS**

In re Application of  
Tracy E. Grim et al.  
Application No. 09/592,462  
Filed: June 9, 2000  
Attorney Docket No. 480032-307

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:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)  
:

This is in response to the petition filed June 1, 2004, under 37 CFR 1.47(a).

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Eric Montag, refused to join in the filing of the above-identified reissue application after having been sent a copy of the application papers. Specifically, the statement of Alan C. Rose, Attorney of Record, establishes that there are three named inventors on Patent No. 5,761,834 issued June 9, 1998, Tracy E. Grim, Kevin O'Donnell and Eric Montag. Reissue application declarations pursuant to 37 CFR 1.75 have been signed by Ms. Grim and Mr. O'Donnell but while Mr. Montag was sent a copy of the present reissue application materials, he has not returned an executed copy and thus by his actions, refuses to cooperate with the filing of instant reissue application as filed.

A reissue application declaration is submitted by the assignee.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 3728 for further examination and for a review of the amendment filed June 1, 2004 in response to the Final Office Action mailed March 8, 2004.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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Paper 40

ERIC MONTAG  
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**JUL 1 6 2004**

**OFFICE OF PETITIONS**

In re Application of  
Tracy E. Grim et al.  
Application No. 09/592,462  
Filed: July 9, 2000  
For: FOOTGEAR WITH PRESSURE RELIEF ZONES

Dear Mr. Montag:

You are named as a joint inventor in the above identified United States reissue patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (703) 305-4497. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

cc:  
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